

KIRKLAND & ELLIS LLP
AND AFFILIATED PARTNERSHIPS

300 North LaSalle Street
Chicago, Illinois 60654

Timothy A. Duffy, P.C.
To Call Writer Directly:
(312) 862-2445
tim.duffy@kirkland.com

(312) 862-2000

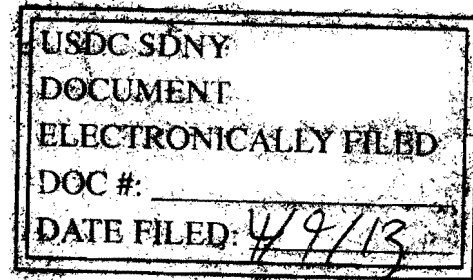
www.kirkland.com

Facsimile:
(312) 862-2200

April 9, 2013

VIA HAND DELIVERY

Judge Victor Marrero
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007



Re: *Anwar, et al. v. Fairfield Greenwich Limited, et al.*
Master File No. 09-CV-00118 (VM) (THK)

Dear Judge Marrero:

I write on behalf of my client, PricewaterhouseCoopers LLP ("PwC Canada"), and the other Non-Settling Defendants (PricewaterhouseCoopers Accountants N.V. ("PwC Netherlands"), Citco Fund Services (Europe) B.V., Citco (Canada) Inc., Citco Bank Nederland N.V. Dublin Branch, Citco Global Custody N.V., Citco Fund Services (Bermuda) Limited, The Citco Group Limited (collectively, the "Citco Defendants"), and GlobeOp Financial Services LLC ("GlobeOp")) in response to the Settling Defendants letter of April 8, 2013 regarding the materials the Court asked them to file into the record at the March 22nd fairness hearing.

The Non-Settling Defendants object to the Settling Defendants request to file information regarding settlements they have entered into with class members without providing that material to the other parties in the case. Whatever justification there may be for shielding this information from public disclosure, there is no basis for keeping it secret from the Non-Settling Defendants. A non-settling defendant is entitled to know when and on what terms a co-defendant settles with a plaintiff – just as it is entitled to know the terms of a settlement with the class as a whole. This is particularly true here, where both the federal securities laws, *see* 15 U.S.C. s78u-4(f)(7)(B), and state law, N.Y. General Obligations Law § 15-108 (McKinney 2007), governing the remaining claims in this case require taking the terms of prior settlements into account in assessing a plaintiff's right to recovery against the Non-Settling Defendants.

We simply ask that any materials filed in the record under seal by the Settling Defendants be provided to the other parties in the case, as is typically the practice with regard to such filings. The Settling Defendants are obviously free to designate the materials as Confidential or Highly

KIRKLAND & ELLIS LLP

April 9, 2013
Page 2

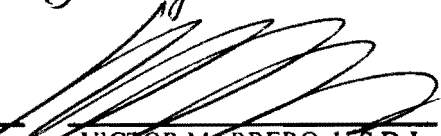
Confidential under the terms of the Court's order regarding confidentiality, which will protect against disclosure of the information to non-parties.

Respectfully,



Timothy A. Duffy, P.C.

cc: Counsel of Record (via e/mail)

The Clerk of Court is directed to enter into the public record of this action the letter above submitted to the Court by <u>PWC and Citgo Defendants</u> .	
SO ORDERED.	
<u>4-9-13</u> DATE	 VICTOR MARRERO, U.S.D.J.